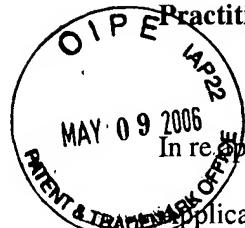


\$AP/1652
JFW



Practitioner's Docket No. NEB-166-PUS

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jack et al.

Application No.: 10/089,027

Filed: March 26, 2002

For: Incorporation of Modified Nucleotides by Archaeon DNA Polymerases and Related Methods

Group No.: 1652

Examiner: Hutson

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. § 41.31)

Patent Owner hereby appeals to the Board from the decision of the Examiner, mailed November 4, 2005, finally rejecting claims 1-31.

1. STATUS OF APPLICANT

This application is on behalf of a small entity. A statement was already filed on June 6, 2002.

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 41.20(b)(1), the fee for filing the Appeal Brief is:

| | |
|--------------|----------|
| Small entity | \$250.00 |
|--------------|----------|

CERTIFICATION UNDER 37 C.F.R. ' 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is *mandatory*;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

X deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

X with sufficient postage as first class mail.

37 C.F.R. § 1.10*

G as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

G facsimile transmitted to the Patent and Trademark Office, (571) 273 -8300.

05/10/2006 WABDELRI 00000076 10089027

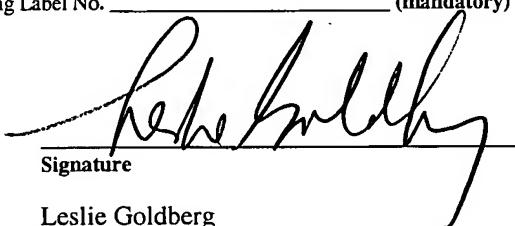
01 FC:2253 510.00 OP

Date: May 4, 2006

05/10/2006 WABDELRI 00000076 10089027

02 FC:2401 250.00 OP

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.


Signature
Leslie Goldberg
(type or print name of person certifying)

| | |
|--------------------------|----------|
| Notice of Appeal fee due | \$250.00 |
|--------------------------|----------|

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R.1.136 apply.

Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for three months:

| | |
|------------|-----------------|
| Fee | \$510.00 |
|------------|-----------------|

If an additional extension of time is required, please consider this a petition therefor.

4. TOTAL FEE DUE

The total fee due is:

| | |
|----------------------|-----------------|
| Notice of Appeal fee | \$250.00 |
| Extension fee | \$510.00 |
| TOTAL FEE DUE | \$760.00 |

5. FEE PAYMENT

Attached is a check in the amount of \$760.00.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this transmittal is attached.

6. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 14-0740.

Date: May 4, 2006



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